

EXHIBIT 4

Exhibit 4

Defendant's 2-19-2024 email to Plaintiff regarding Defendant's interpretation of the Court's Order and demanded action to avoid Rule 11 letter

From: Lenning, Nicholas F. <Nicholas.Lenning@klgates.com>

Sent: Monday, February 19, 2024 5:48 PM

To: Mark Ishman <mishman@grsm.com>; Weill, Abe M. <Abe.Weill@klgates.com>; Bill Hughbanks <whughbanks@grsm.com>

Cc: Wittow, Mark <mark.wittow@klgates.com>; Gammell, Ashley E.M. <Ashley.Gammell@klgates.com>

Subject: RE: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule

Hi Mark,

I am writing to follow up on our meet and confer. On the call, I said we'd send you the specific portions of the Judge's Order that we think require dismissal of Counts I and III of the SAC (or that Baronius provide its Rule 11 basis for these claims). In the Court's Order, Judge Lin ruled that "there are no alleged facts in the SAC that establish ownership of any protectable rights in the original Grundriss work" and, as a result, Baronius "fails to plead a plausible claim for ownership of any rights in Grundriss." Order at 6, 8. Instead, the Court held that Baronius has only made "sufficient factual allegations of infringement of its exclusive license to publish the [2018] Revised Translation" and concluded that the claim survived the motion to dismiss only because Baronius had "explicitly ma[de] the allegation in the SAC that Faithlife also published the Revised Translation 'upon information and belief.'" Order at 8-9.

On the call, you appeared to state that Baronius disputes the Court's ruling on this claim and may move for reconsideration. We note that the Court's Order issued on January 31st. The deadline to move for reconsideration expired on February 14th. See WDWA Local Civil Rule 7(h) ("The motion shall be filed within fourteen days after the order to which it relates it filed.").

We asked if Baronius has a good faith basis to believe that Faithlife published the 2018 Revised Translation -- this is because Faithlife did **not** in fact publish the 2018 Revised Translation. You stated that you did not believe Baronius had evidence that Faithlife had published that. This is concerning because, as the Court noted in its Order, Baronius made a specific factual allegation that Faithlife *did* publish the 2018 Revised Translation — if Baronius has no basis for that, we believe it needs to be promptly withdrawn. The Court expressly noted that "[i]f it can be shown that the representation [the Faithlife published the 2018 Revised

Translation] was unreasonable under the circumstances and was unlikely at the time to be supportable even with additional discovery, then Baronius and its counsel would be susceptible to Rule 11 sanctions upon an appropriate motion.” Order at 9.

We obviously would very much prefer avoiding the need to send a Rule 11 letter on this claim or pursue it with the Court. We ask that Baronius promptly confirm that it is withdrawing Counts I and III in the Second Amended Complaint. We would appreciate that confirmation no later than the end of this week, February 23rd, trying to provide time for you to confer with your client as we know they are overseas. If Baronius declines to withdraw, we ask that it provide, at that time, what basis it has to assert that Faithlife published the 2018 Revised Translation.

Thank you.

Best,

Nick Lenning
K&L Gates LLP
(206) 370-6685
He/Him/His

From: Mark Ishman <mishman@grsm.com>

Sent: Monday, February 19, 2024 10:21 AM

To: Lenning, Nicholas F. <Nicholas.Lenning@klgates.com>; Weill, Abe M. <Abe.Weill@klgates.com>; Bill Hughbanks <whughbanks@grsm.com>

Cc: Wittow, Mark <mark.wittow@klgates.com>; Gammell, Ashley E.M. <Ashley.Gammell@klgates.com>

Subject: RE: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule

Hi Nick:

I just sent a Teams' invite out via separate email.

If you have any proposed revisions to the proposed joint case management schedule, please send them to us in advance in a redline format.

Thank you,
Mark

MARK W. ISHMAN | Of Counsel
150 Fayetteville Street, Suite 1120
Raleigh, NC 27601

C: 919-539-7626 | mishman@grsm.com
www.grsm.com
[vCard](#) | [Bio](#)

From: Lenning, Nicholas F. <Nicholas.Lenning@klgates.com>
Sent: Saturday, February 17, 2024 6:23 PM
To: Mark Ishman <mishman@grsm.com>; Weill, Abe M. <Abe.Weill@klgates.com>; Bill Hughbanks <whughbanks@grsm.com>
Cc: Wittow, Mark <mark.wittow@klgates.com>; Gammell, Ashley E.M. <Ashley.Gammell@klgates.com>
Subject: RE: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule

That works for me. Can you send an invite? Thank you, Mark, talk then.

Nick Lenning
K&L Gates LLP
(206) 370-6685
He/Him/His

From: Mark Ishman <mishman@grsm.com>
Sent: Friday, February 16, 2024 1:47 PM
To: Lenning, Nicholas F. <Nicholas.Lenning@klgates.com>; Weill, Abe M. <Abe.Weill@klgates.com>; Bill Hughbanks <whughbanks@grsm.com>
Cc: Wittow, Mark <mark.wittow@klgates.com>; Gammell, Ashley E.M. <Ashley.Gammell@klgates.com>
Subject: RE: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule

How about 1pm(pst)/4pm(est)?

MARK W. ISHMAN | Of Counsel
150 Fayetteville Street, Suite 1120
Raleigh, NC 27601
C: 919-539-7626 | mishman@grsm.com
www.grsm.com
[vCard](#) | [Bio](#)

From: Lenning, Nicholas F. <Nicholas.Lenning@klgates.com>
Sent: Friday, February 16, 2024 2:06 PM
To: Mark Ishman <mishman@grsm.com>; Weill, Abe M. <Abe.Weill@klgates.com>; Bill Hughbanks <whughbanks@grsm.com>
Cc: Wittow, Mark <mark.wittow@klgates.com>; Gammell, Ashley E.M. <Ashley.Gammell@klgates.com>
Subject: Re: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule

Any time after noon works for Faithlife. Thank you, Mark.

From: "Mark Ishman" <mishman@grsm.com>
Subject: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule
Date: 16 February 2024 11:00
To: "Lenning, Nicholas F." <Nicholas.Lenning@klgates.com>, "Weill, Abe M." <Abe.Weill@klgates.com>, "Bill Hughbanks" <whughbanks@grsm.com>
Cc: "Wittow, Mark" <mark.wittow@klgates.com>, "Gammell, Ashley E.M." <Ashley.Gammell@klgates.com>

We will agree to Monday.

Please let us know your availability.

Thank you,
Mark

MARK W. ISHMAN | Of Counsel
150 Fayetteville Street, Suite 1120
Raleigh, NC 27601
C: 919-539-7626 | mishman@grsm.com
www.grsm.com
[vCard](#) | [Bio](#)

From: Lenning, Nicholas F. <Nicholas.Lenning@klgates.com>
Sent: Friday, February 16, 2024 11:53 AM
To: Mark Ishman <mishman@grsm.com>; Weill, Abe M. <Abe.Weill@klgates.com>; Bill Hughbanks <whughbanks@grsm.com>
Cc: Wittow, Mark <mark.wittow@klgates.com>; Gammell, Ashley E.M. <Ashley.Gammell@klgates.com>
Subject: Re: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule

Hi Mark,

Thank you. Is it possible to meet and confer on Monday given that we have an extension in place? I want to make sure we have sufficient time to review and confer with our client, which hasn't been possible yet because I've been traveling. I can send you some available windows for our side. Let us know. Thanks!

Best,

Nick

From: "Mark Ishman" <mishman@grsm.com>
Subject: Baronius v. Faithlife: Case - Draft Proposed Joint Case Management Schedule
Date: 15 February 2024 10:21
To: "Weill, Abe M." <Abe.Weill@klgates.com>, "Lenning, Nicholas F." <Nicholas.Lenning@klgates.com>, "Bill Hughbanks" <whughbanks@grsm.com>
Cc: "Wittow, Mark" <mark.wittow@klgates.com>, "Gammell, Ashley E.M." <Ashley.Gammell@klgates.com>

Nick and all:

Please find the current draft of the proposed joint case management schedule.

Please let us know your availability on Friday afternoon to discuss it.

With best regards,
Mark

MARK W. ISHMAN | Of Counsel
150 Fayetteville Street, Suite 1120
Raleigh, NC 27601
C: 919-539-7626 | mishman@grsm.com
www.grsm.com
[vCard](#) | [Bio](#)

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